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RED HAT, INC. and
8 | RED HAT MIDDLEWARE, LLC

9

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11   **IN THE UNITED STATES DISTRICT COURT**

12   **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

13   **SAN FRANCISCO DIVISION**

14

15 | FIRESTAR SOFTWARE, INC.,   Case No. C 07-80204 MISC MMC (EMC)

16   Plaintiff,   **PROOF OF SERVICE**

17 | v.

18 | RED HAT, INC., et al.,

19   Defendants.

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23

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PROOF OF SERVICE   CASE NO. C 07-80204 MISC MMC (EMC)

PROOF OF SERVICE

1

2   The undersigned declares: I am a resident of the United States and am employed in the City and County of San Francisco, State of California; I am over the age of eighteen years and not a party

3   to the within action; my business address is 4 Embarcadero Center, 39th Floor, San Francisco, CA 94111.

4   On the date stated below, I served the following documents:

5   • **OPPOSITION TO THOUGHT, INC.'S MOTION TO QUASH THIRD PARTY SUBPOENA, OR IN THE ALTERNATIVE, FOR A PROTECTIVE ORDER**

6

7   • **DECLARATION OF JON R. PIERCE IN SUPPORT OF OPPOSITION TO THOUGHT, INC.'S MOTION TO QUASH THIRD PARTY SUBPOENA, OR IN THE**

8   **ALTERNATIVE, FOR A PROTECTIVE ORDER**

9   by placing a true copy thereof enclosed in a sealed envelope and served in the manner described below to the interested parties herein and addressed to:

10

11   John Jason Gentry Mullins, Esq.   Allen F. Gardner, Esq.
     5 Third Street, Suite 815   Michael E. Jones, Esq.

12   San Francisco, CA 94103   Potter Minton, A Professional Corporation
     Counsel for Thought, Inc.   P.O. Box 359

13   Tyler, TX 75710
                                              Counsel for Red Hat, Inc.

14   and Red Hat Middleware LLC

15
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16   Smead, Anderson & Dunn   Kilpatrick Stockton LLP
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17   P.O. Box 2243   Atlanta, GA 30309-4530
     Longview, TX 75606   Counsel for Red Hat, Inc.

18   Counsel for FireStar Software, Inc.   and Red Hat Middleware LLC

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     Brian J. McNamera, Esq.   Steven Gardner, Esq.

20   Foley & Lardner   Steven D. Moore, Esq.
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21   Washington, DC 20007   Jon R. Pierce, Esq.
     Counsel for FireStar Software, Inc.   Kilpatrick Stockston LLP

22   1001 West 4th Street
                                              Winston-Salem, NC 27104

23   Counsel for Red Hat, Inc.
                                              and Red Hat Middleware LLC

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25

26   **X**   **MAIL:** I caused such envelope(s) to be deposited in the mail at my business address, with postage thereon fully prepaid, addressed to the addressee(s) designated. I am

27   readily familiar with the business practice of collecting and processing correspondence to be deposited with the United States Postal Service on that same day in the ordinary course of business.

FEDERAL EXPRESS – OVERNIGHT DELIVERY: I caused such envelope to be deposited with the Federal Express Office prior to the cut-off time for next day delivery with a shipping label properly filled out with delivery to be made to the addressee designated.

HAND DELIVERY: I caused such envelope(s) to be delivered by hand to the addressee(s) designated.

VIA FAX: The facsimile machine I used complied with California Rules of Court, Rule 2003, and no error was reported by the machine. Pursuant to California Rules of Court, Rule 2006(d), I caused the machine to print a transmission record of the transmission, a copy of which is attached to this declaration.

X **(FEDERAL):** I declare that I am employed by the office of a member of the bar of this court at whose direction the service was made.

(STATE): I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on September 12, 2007 at San Francisco, California.

_____
Cynthia Lee